



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Pat nt and Trademark Offic**

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/361,626	07/27/99	MOK	F PM-262743

IM62/0518  
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WASHINGTON DC 20005-3918

EXAMINER

CINTINS, I

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 05/18/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/361,626**

Applicant(s)  
**Mok et al.**

Examiner  
**Ivars C. Cintins**

Group Art Unit  
**1724**



☒ Responsive to communication(s) filed on Mar 14, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-7, 9, and 10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-7, 9, and 10 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1724

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagy. As pointed out in the previous Office Action, Nagy discloses a process for removing trace amounts of aluminum from a sodium chloride brine by treating the brine with magnesium chloride to produce a magnesium concentration of at least about 5 ppm in the brine, and subsequently adding sodium hydroxide to this brine to provide an alkalinity concentration of 0.15 g/L in this brine, thereby forming a magnesium aluminum hydroxide precipitate. Accordingly, this reference discloses the claimed invention with the exception of the recited magnesium to aluminum molar ratio. However, the exact magnesium to aluminum molar ratio in the reference process is not seen to materially affect the overall results of this process, or to produce any new and unexpected result; and is therefore deemed to be an obvious matter of choice, which is insufficient to patentably distinguish the claims.

Art Unit: 1724

Applicant's arguments filed March 14, 2000 have been noted and carefully considered but are not deemed to be persuasive of patentability. Applicant argues that Nagy clearly teaches the need to add soluble magnesium compounds to provide a magnesium concentration of greater than 5 ppm, and that it would not have been obvious to use magnesium in concentrations less than 5 ppm in this reference process. It is pointed out, however, that Nagy clearly suggests using magnesium at a concentration of 5 ppm (see col. 2, line 37; and col. 5, line 12). It is further pointed out that claims 1-7, 9 and 10 read on using magnesium at this concentration, since it is the upper endpoint of the recited range; and therefore, these claims do not distinguish over Nagy with respect to the magnesium concentration employed.

The results presented in Example 1 have been noted and carefully considered, but are not deemed to be persuasive of patentability for claims 1-7, 9 and 10 because the conditions necessary to produce these results (i.e. Mg concentration less than 5 ppm; excess alkalinity 0.1 to 0.2; temperature 50 to 70°C) have not been recited in any of these claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

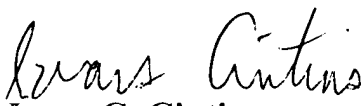
Art Unit: 1724

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 6:00 PM.

The fax phone numbers for this art unit are: (703) 305-3599 for "Official" faxes after Final Rejection; (703) 305-7718 for all other "Official" faxes; and (703) 305-3602 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
May 16, 2000